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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 17, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOE RUBIO-FARIAS and ROMAN
BERUMEN PEREZ,

Defendants.

Nos. 1:21-CR-02009-SAB-1

1:21-CR-02009-SAB-2

**ORDER CONTINUING
PRETRIAL CONFERENCE AND
TRIAL**

Before the Court is Defendant Rubio-Farias' Motion for Continuance, ECF No. 53. Defendant Rubio-Farias is represented by Greg Scott; Defendant Berumen Perez is represented by Rick Smith. The United States was represented by Ian Garriques.

Defendant asks the Court to continue his trial and reset the pretrial conference. Counsel of Defendant Berumen Perez indicated to the Court that Defendant does not object to the requested continuance. Defendant reports that the United States also does not object. Good cause exists to grant the motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Rubio-Farias' Motion for Continuance, ECF No. 53, is **GRANTED.**

ORDER CONTINUING PRETRIAL CONFERENCE AND TRIAL DATE ~ 1

1 2. The current trial date of June 1, 2021 is stricken and **reset for August**
2 **9, 2021, at 9:00 a.m.** commencing with a **final** pretrial conference at **8:30 a.m.** All
3 hearings shall take place in **Yakima**, Washington.

4 3. The pretrial conference set for May 19, 2021, is **continued to July 26,**
5 **2021, at 10:00 a.m.**, in **Yakima**, Washington. Counsel shall advise the Court
6 regarding any dispositive change in the status of this case **at least 5 days prior to**
7 **the pre-trial conference**. Any motion to continue the pre-trial conference or trial
8 shall be filed at the earliest practicable opportunity, but no later than **seven (7)**
9 **days prior to said proceeding**. Movant shall provide (1) specific and detailed
10 reasons for the continuance to permit the Court to make the necessary findings; (2)
11 if applicable, the Defendant's signed Speedy Trial Waiver; (3) the position of
12 opposing counsel; and (4) the proposed new date. Continuances are not granted
13 absent good cause.

14 4. All pretrial motions shall be filed on or before **June 28, 2021**.

15 5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between June 1, 2021,
16 the current trial date, until August 9, 2021, the new trial date, is DECLARED
17 EXCLUDABLE for purposes of computing time under the Speedy Trial Act. The
18 Court finds that the ends of justice served by such a continuance outweigh the
19 public's and Defendant's interest in a speedy trial.

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1 6. Trial briefs, proposed voir dire, jury instructions, verdict forms, exhibit
2 lists, expert witness lists, and summaries of expert testimony shall be filed and
3 served by all parties on or before **seven (7) calendar days prior to trial**. This does
4 not modify the parties' discovery obligations under Fed. R. Crim. P. 16. Absent an
5 agreement between the parties or an Order from the Court, the parties' Fed. R.
6 Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule 16.

7 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
8 enter this Order and furnish copies to counsel.

9 **DATED** this 17th day of May 2021.



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12 Stanley A. Bastian

13 Stanley A. Bastian
14 Chief United States District Judge
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